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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,498	04/30/2002	Farid Ahmed-Zaid	199-1941 JMS	4307
28549	7590	07/30/2004	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			HERNANDEZ, OLGA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,498

Applicant(s)

AHMED-ZAID ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/21/04 have been fully considered but they are not persuasive.

Applicant argues that the final office action was erroneously made final. The examiner disagrees. See MPEP § 706.07(a). Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither **necessitated by applicant's amendment** of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Where information is submitted in an information disclosure statement during the period set forth in 37 CFR 1.97(c) with a fee, the examiner may use the information submitted, e.g., a printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP § 609 paragraph (B)(2). Therefore, final office action was properly made final. Indeed, the examiner did not response to the applicant's arguments, due to the fact that they were irrelevant based on the new ground of rejection, where obviously the previous rejection has been withdrawn based on his arguments and amended claims. Further, when the action is an after final response (advisory action), the examiner has no obligation to response to the applicant's arguments, because prosecution has been closed. Regarding the arguments that a planned traveling path is different than a future path, the

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dictionary define plan as "a proposed or tentative project or course of action: had no plans for the evening.¹"

Meaning it is going to be held in the future; therefore, it is a future path. Certainly, the prior art uses a monitoring station, which is part of a navigation system (figure 1, column 10, lines 42-49).

Claims 12 and 20 have been cancelled by the applicant.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-11, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932) in view of Sielagoski et al (6,212,465).

As per claims 1, 11, 16 and 19, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and
- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

¹ *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Kageyama does not teach generating a yaw rate signal and preventing acceleration (inhibiting the resume speed) of the vehicle in response to the yaw rate signal. However, Sielagowski teaches it in column 1, lines 42-60. Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to control vehicle speed on a curved path.

As per claim 2, Kageyama teaches how to update the predicted future path profile (abstract).

As per claim 3, Kageyama teaches the future path profile includes parameters selected from the following: object profile, yaw rate, street category, and upcoming future road paths (abstract).

As per claims 4 and 8, Kageyama teaches the same claimed by the applicant (column 9).

As per claim 7, Kageyama teaches how to generate a navigational signal from the following group: vehicle position, speed category, future path, landmark location, road type and others (abstract).

As per claims 9 and 17, Kageyama teaches determining the object location with respect to the future path of the vehicle (abstract).

As per claim 18, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claims 5 and 10, Kageyama does not teach what is claimed by the applicant. However, the prior art works with the tire turning and the steering wheel of the vehicle that are equivalent to work with the road curvature (columns 10 and 11).

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3. Claims 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielagoski et al (6,212,465) in view of Kageyama et al (6,246,932).

As per claim 13, Sielagoski et al does not teach what is claimed by the applicant. However, Kageyama teaches: a future path of the vehicle in response to a navigational signal (abstract).

As per claim 14, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claims 15, Sielagoski et al does not teach detecting an object and generating an object profile; detecting a future path of the vehicle; generating a predicted future path profile in response to the future path and the object profile; and inhibiting the speed of the vehicle in response to the predicted future path profile. However, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and
- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932) in view of Sielagoski et al (6,212,465).

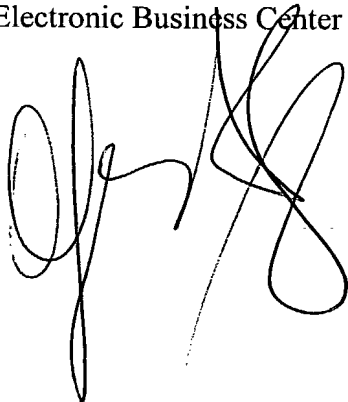
Kageyama does not teach what is claimed by the applicant. However, Sielagoski teaches generating a yaw rate signal and preventing acceleration (inhibiting the resume speed) of the vehicle in response to the yaw rate signal (column 1, lines 42-60). Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to control vehicle speed on a curved path.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Olga Hernandez', with a large, stylized loop at the end.

Olga Hernandez
Examiner
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